

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
ANNETTE MARTIN *et al.*

Serial No.: 10/520,153

Filed: September 29, 2005

For: CHIMERIC GB VIRUS B (GBV-B)

Group Art Unit: 1648

Examiner: Chen, Stacy Brown

Atty. Dkt. No.: UTSG:272US

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: November 6, 2006

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

A corrected filing receipt is requested in view of the errors that appear in the original. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the errors have been noted.

There is an error in the Domestic Priority data. Please delete "This application is a 371 of PCT/US03/21002 07/02/2003" and add **--This application is a 371 of PCT/US2003/021002 filed July 2, 2003, which is a continuation-in-part of U.S. patent application Serial Number 10/189,359 filed on July 3, 2002--**. There also is an error in the Foreign Application data. Please delete "UNITED STATES OF AMERICA 10-189359 07/03/2002." In support of these

requested corrections, Applicants attach a copy of the Preliminary Amendment filed January 3, 2005.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is authorized to deduct the appropriate fee from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSG:272US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



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Date: November 6, 2006



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/520,153	09/29/2005	1641	815	UTSG:272US	12	30	3

CONFIRMATION NO. 7019

32425
 FULBRIGHT & JAWORSKI L.L.P.
 600 CONGRESS AVE.
 SUITE 2400
 AUSTIN, TX 78701

FILING RECEIPT



OC000000018488495

Date Mailed: 04/11/2006

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Applicant(s)

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Power of Attorney: The patent practitioners associated with Customer Number 32425.

Domestic Priority data as claimed by applicant *This application is a 371 of PCT/US2003/021002*
~~This application is a 371 of PCT/US03/21002 07/02/2003~~ *filed July 2, 2003, which is a*
~~continuation-in-part of U.S. patent application Serial Number 10/189,359~~ *filed on July 3, 2002.*

Foreign Applications

~~UNITED STATES OF AMERICA 10-189359 07/03/2002~~

Projected Publication Date: 07/20/2006

Non-Publication Request: No

Early Publication Request: No

Title

Chimeric gb virus b (gbv-b)

Preliminary Class

435

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Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Annette Martin *et al.*

Serial No.: To be assigned

Filed: Concurrently Herewith

For: CHIMERIC GB VIRUS B (GBV-B)

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTSG:272US

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PRELIMINARY AMENDMENT

MAIL STOP PCT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit this Preliminary Amendment in the above-referenced case. Consideration of this case in view of the amendments made herein is respectfully requested.

Amendments to the Specification begin on page 2 of the paper.

Amendments to the Claims begin on page 3 of the paper.

Remarks begin on page 6 of this paper.

AMENDMENT

In the Specification:

Please replace the paragraph at page 1, line 7, with the following substitute paragraph:

The present application is a national phase application under 35 U.S.C. § 371 of International Application No. PCT/US2003/021002 filed July 2, 2003, which is a continuation-in-part of ~~claims priority to~~ U.S. Patent Application Serial Number 10/189,359 filed on July 3, 2002. The entire text of the above-referenced disclosures is herein incorporated by reference.

In the Claims:

Please amend the claims as shown in the following listing of claims, which will replace all prior versions and listings of claims in the application.

1. (Original) An isolated polynucleotide comprising a chimeric GBV-B polynucleotide encoding a virus.
2. (Original) The polynucleotide of claim 1, comprising a chimeric GBV-B genome, wherein at least part, but not all of a 5' NTR sequence is from a HCV 5' NTR.
3. (Original) The polynucleotide of claim 2, wherein at least one, but not all of domain I, II, III, or IV of the 5' NTR is from a HCV 5' NTR.
4. (Original) The polynucleotide of claim 2, wherein domain I of the 5' NTR is from a HCV 5'NTR.
5. (Original) The polynucleotide of claim 2, wherein domain II of the 5' NTR is from a HCV 5'NTR.
6. (Original) The polynucleotide of claim 2, wherein domain III of the 5' NTR is from a HCV 5'NTR.
7. (Original) The polynucleotide of claim 6, wherein the 5' NTR domain Ib of GBV-B is deleted.
8. (Original) The polynucleotide of claim 2, wherein domain IV of the 5' NTR is from a HCV 5'NTR.
9. (Original) The polynucleotide of claim 2, wherein domain I and domain II of the 5' NTR is from a HCV 5'NTR.
10. (Original) The polynucleotide of claim 2, wherein domain I and domain III of the 5' NTR is from a HCV 5'NTR.
11. (Original) The polynucleotide of claim 2, wherein domain I and domain IV of the 5' NTR is from a HCV 5'NTR.

12. (Original) The polynucleotide of claim 2, wherein domain II and domain III of the 5' NTR is from a HCV 5'NTR.
13. (Original) The polynucleotide of claim 2, wherein domain II and domain IV of the 5' NTR is from a HCV 5'NTR.
14. (Original) The polynucleotide of claim 2, wherein domain III and domain IV of the 5' NTR is from a HCV 5'NTR.
15. (Original) The polynucleotide of claim 2, wherein domain II, domain III and domain IV of the 5' NTR is from a HCV 5'NTR.
16. (Original) The polynucleotide of claim 15, wherein the 5' NTR domain Ib of GBV-B is deleted.
17. (Original) The polynucleotide of claim 2, wherein said polynucleotide is DNA.
18. (Original) The polynucleotide of claim 2, wherein said polynucleotide is RNA.
19. (Original) The polynucleotide of claim 1, further comprising at least part of a structural protein coding region of HCV.
20. (Original) The polynucleotide of claim 1, further comprising at least part of a non-structural protein coding region of HCV.
21. (Original) A viral expression construct comprising a chimeric GBV-B polynucleotide, wherein at least a part of the 5' NTR sequence is from a HCV 5' NTR.
22. (Original) The viral expression construct of claim 21, wherein domain III of the 5' NTR is from a HCV 5' NTR.
23. (Original) The viral expression construct of claim 21, further comprising a deletion of the GBV-B 5' NTR domain Ib region.
24. (Original) The viral expression construct of claim 21, wherein said construct is a plasmid.

25. (Original) The viral expression construct of claim 21, wherein said construct is a virus.
26. (Original) The viral expression construct of claim 21, further defined as a construct for the expression of a chimeric GBV-B/HCV virus.
27. (Original) A method for identifying a compound active against a viral infection comprising:
providing a virus expressed from a viral construct comprising a chimeric GBV-B/HCV virus;
contacting the virus with a candidate substance; and
comparing infectivity of the virus in the presence of the candidate substance with the infectivity of the virus in the absence of the candidate substance.
28. (Original) The method of claim 27, wherein the chimeric virus comprises at least part of a 5' NTR sequence from a HCV 5' NTR.
29. (Original) The method of claim 28, wherein the chimeric virus comprises domain III of the 5' NTR is from a HCV 5'NTR.
30. (Original) The method of claim 28, wherein the chimeric virus comprises a deletion of domain Ib of GBV-B.
- 31.-58. (Canceled)

REMARKS

The specification has been amended to recite the priority data and to cancel claims 31-58 of the PCT application. Therefore, claims 1-30 are presently pending. The filing fee has been calculated after amendment of the claims by the preliminary amendment.

Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/UTSG:272US.

Respectfully submitted,



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